

However, an Advisory Action was issued on March 22, 2006, indicating that the amendment filed in response to the final rejection would not be entered because the amendment raised new issues that would require further consideration and/or search, and because the amendment did not place the application in better form for appeal. The Advisory Action went on to explain the basis of the decision not to enter the amendment (see paragraphs a-f on page 2 of the Advisory Action). The reasoning set forth in the Advisory Action remains unclear to applicants.

On April 5, 2006, applicants' attorney held a telephone interview with the Examiner seeking to understand the basis for not entering the after final amendment set forth in the Advisory Action. The telephone conference did not result in applicants' attorney understanding the basis for the Examiner's decision not to enter the amendment. As in the Advisory Action, the Examiner stated that the amendment to Claim 33 raised new issues regarding to Claim 2. Claim 2 depends from Claim 33. The Examiner's newly expressed concern with Claim 2 remains unclear.

In the telephone interview, applicants' attorney pointed out that the indication of allowability of the subject matter of Claim 36 was first made by the Examiner in the final rejection. Applicants' attorney further noted that, with the indication of the allowability of the subject matter of Claim 36, applicants promptly responded by amending Claim 33 (the base claim) to include the limitation of Claim 36. When asked what amendment would have been acceptable and would have resulted in the allowance of the subject matter of Claim 36, the Examiner stated that a new independent claim should have been presented reciting the subject matter of Claim 36 and all of the limitations of its base claim and any intervening claims. Applicant's attorney indicated that amended Claim 33 was, in fact, just that claim. The Examiner's further comments were unclear.

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Because the subject matter of Claim 36 was indicated as allowable if rewritten to include all of the limitations of the base claim and any intervening claims, and because applicants responded to the indication of allowability by amending Claim 33 to include the recitation of Claim 36, Claim 33 is allowable. Furthermore, for the reasons set forth above, the amendment places the application in condition for allowance. Contrary to the Advisory Action, the amendment does not raise new issues that would require further consideration and/or search and does place the application in better form for appeal. Accordingly, reconsideration of the Examiner's decision not to enter the amendment after final rejection, entry of the amendment, and allowance of the application are respectfully requested.

If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encourage to telephone applicants' attorney at 206.695.1755.

Respectfully submitted,

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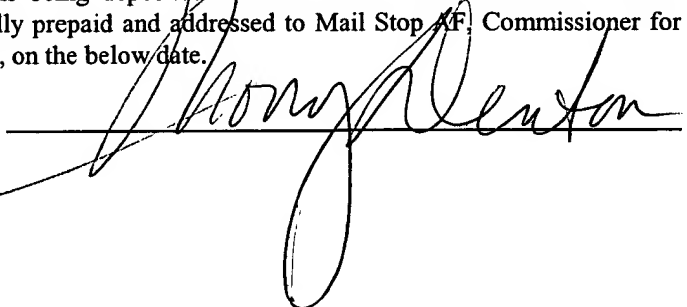


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I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date:

April 20, 2006



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